

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAVIER MONTANO,

Defendant.

2:20-CR-199-JAD-NJK

Amended Final Order of Forfeiture

The United States District Court for the District of Nevada entered an Amended Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2); 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); and 21 U.S.C. § 853(p) based upon the plea of guilty by Javier Montano to the criminal offense, forfeiting the property and imposing an in personam criminal forfeiture money judgment set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information and shown by the United States to have the requisite nexus to the offense to which Javier Montano pled guilty. Criminal Information, ECF No. 4; Plea Agreement, ECF No. 6; Arraignment & Plea, ECF No. 8; Amended Preliminary Order of Forfeiture, ECF No. 20.

This Court finds that on the government's motion, the Court may at any time enter an order of forfeiture or amend an existing order of forfeiture to include subsequently located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

The in personam criminal forfeiture money judgment amount of \$1,194,672.68 complies with *Honeycutt v. United States*, 137 S. Ct. 1626 (2017) and *United States v. Thompson*, 990 F.3d 680 (9th Cir. 2021).

1 This Court finds the United States published the notice of forfeiture in accordance
2 with the law via the official government internet forfeiture site, www.forfeiture.gov,
3 consecutively from October 3, 2020, through November 1, 2020, and from May 4, 2021,
4 through June 2, 2021, notifying all potential third parties of their right to petition the Court.
5 Notice of Filing Proof of Publication, ECF Nos. 15-1, p. 5 and 30-1, p. 5.

6 This Court finds the United States notified known third parties by personal service or
7 by regular mail and certified mail return receipt requested of their right to petition the Court.
8 Notice of Filing Service of Process-Personal Service, ECF No. 27; Notice of Filing Service
9 of Process – Mailing, ECF No. 31.

10 On May 21, 2021, the United States Marshals Service personally served Adelina
11 Montano with copies of the Amended Preliminary Order of Forfeiture and the Notice.
12 Notice of Filing Service of Process-Personal Service, ECF No. 27.

13 On May 12, 2021, the United States Attorney's Office attempted to serve Natalie
14 Montano with copies of the Amended Preliminary Order of Forfeiture and the Notice
15 through regular mail and certified mail return receipt requested at Fresno, California. The
16 mail was returned as attempted not known. Notice of Filing Service of Process – Mailing
17 Exhibits, ECF No. 31-1, p. 3, 6-7, 9-12, 14-16.

18 On May 12, 2021, the United States Attorney's Office attempted to serve Natalie
19 Montano with copies of the Amended Preliminary Order of Forfeiture and the Notice
20 through certified return receipt mail at Reedley, California. The certified mail was returned
21 as refused. Notice of Filing Service of Process – Mailing Exhibits, ECF No. 31-1, p. 3, 6-7,
22 9-12, 17-19.

23 On May 12, 2021, the United States Attorney's Office served Natalie Montano with
24 copies of the Amended Preliminary Order of Forfeiture and the Notice through regular mail
25 at Reedley, California. Notice of Filing Service of Process – Mailing Exhibits, ECF No. 31-
26 1, p. 3, 6-7, 9-12, 17.

27 On May 12, 2021, the United States Attorney's Office attempted to serve Adelina
28 Montano with copies of the Amended Preliminary Order of Forfeiture and the Notice

1 through certified return receipt mail at Reedley, California. The certified mail was returned
2 as refused. Notice of Filing Service of Process – Mailing Exhibits, ECF No. 31-1, p. 3, 6-7,
3 9-12, 20-22.

4 On May 12, 2021, the United States Attorney’s Office served Adelina Montano with
5 copies of the Amended Preliminary Order of Forfeiture and the Notice through regular mail
6 at Reedley, California. Notice of Filing Service of Process – Mailing Exhibits, ECF No. 31-
7 1, p. 3, 6-7, 9-12, 20.

8 On May 12, 2021, the United States Attorney’s Office attempted to serve Adelina
9 Montano with copies of the Amended Preliminary Order of Forfeiture and the Notice
10 through certified return receipt mail at North Las Vegas, Nevada. The certified mail was
11 returned as unclaimed. Notice of Filing Service of Process – Mailing Exhibits, ECF No. 31-
12 1, p. 3, 6-7, 9-12, 23-26.

13 On May 12, 2021, the United States Attorney’s Office served Adelina Montano with
14 copies of the Amended Preliminary Order of Forfeiture and the Notice through regular mail
15 at North Las Vegas, Nevada. Notice of Filing Service of Process – Mailing Exhibits, ECF
16 No. 31-1, p. 3, 6-7, 9-12, 23.

17 On August 6, 2021, this Court entered the Final Order of Forfeiture, ECF No. 33.

18 **SUBSTITUTION–6633 Lavender Lion St, North Las Vegas, Nevada 89086**

19 On May 20, 2021, the government filed a Motion to Substitute and Forfeit Property
20 as to 6633 Lavender Lion St, North Las Vegas, Nevada 89086, ECF No. 26.

21 On June 7, 2021, this Court granted the government’s Motion to Substitute and
22 Forfeit Property as to 6633 Lavender Lion St, North Las Vegas, Nevada 89086, ECF No.
23 29.

24 On October 20, 2021, the United States Marshals Service executed the substitution
25 and forfeiture order and took the property into custody. Notice of Filing Take into Custody,
26 ECF No. 40-1, p. 3.

27 On January 6, 2022, the United States filed a Motion for Interlocutory Sale, ECF
28 No. 50.

1 On January 25, 2022, this Court granted the government's Motion for Interlocutory
2 Sale, ECF No. 54.

3 This Court finds the United States published the notice of forfeiture in accordance
4 with the law via the official government internet forfeiture site, www.forfeiture.gov,
5 consecutively from October 29, 2021, through November 27, 2021. Notice of Filing Proof of
6 Publication, ECF No. 43-1, p. 5.

7 This Court finds the United States notified known third parties by personal service or
8 by regular mail and certified mail return receipt requested of their right to petition the Court.
9 Notice of Filing Service of Process – Mailing, ECF No. 48; Notice of Filing Service of
10 Process-Personal Service, ECF No. 52.

11 On November 8, 2021, the United States Attorney's Office served ZB, N.A. dba
12 Nevada State Bank c/o Registered Agent, Corporation Service Company, with copies of the
13 Substitution and Forfeiture Order and Notice through regular mail and certified mail.
14 Notice of Filing Service of Process – Mailing Exhibits, ECF No. 48-1, p. 3-15.

15 On November 8, 2021, the United States Attorney's Office served Javier Montano,
16 Inmate #56432-048 c/o USP Lompoc, US Penitentiary, with copies of the Substitution and
17 Forfeiture Order and Notice through regular mail and certified mail. Notice of Filing
18 Service of Process – Mailing Exhibits, ECF No. 48-1, p. 16-18.

19 On November 8, 2021, the United States Attorney's Office served Adelina Montano
20 with copies of the Substitution and Forfeiture Order and Notice through regular mail.
21 Notice of Filing Service of Process – Mailing Exhibits, ECF No. 48-1, p. 19-22.

22 On November 8, 2021, the United States Attorney's Office attempted to serve
23 Adelina Montano with copies of the Substitution and Forfeiture Order and Notice through
24 certified mail. The certified mail was returned as not deliverable as addressed. Notice of
25 Filing Service of Process – Mailing Exhibits, ECF No. 48-1, p. 19-22.

26 On November 8, 2021, the United States Attorney's Office served Natalie Montano
27 with copies of the Substitution and Forfeiture Order and Notice through regular mail.
28 Notice of Filing Service of Process – Mailing Exhibits, ECF No. 48-1, p. 23-26.

1 On November 8, 2021, the United States Attorney's Office attempted to serve
2 Natalie Montano with copies of the Substitution and Forfeiture Order and Notice through
3 certified mail. The certified mail was returned as not deliverable as addressed. Notice of
4 Filing Service of Process – Mailing Exhibits, ECF No. 48-1, p. 23-26.

5 On December 7, 2021, the United States Marshals Service personally served Barry
6 Rowe with copies of the Substitution and Forfeiture Order and Notice. Notice of Filing
7 Service of Process-Personal Service, ECF No. 52-1, p. 3, 20-27.

8 On December 7, 2021, the United States Marshals Service personally served Jessica
9 Jamieson with copies of the Substitution and Forfeiture Order and Notice. Notice of Filing
10 Service of Process-Personal Service, ECF No. 52-1, p. 4, 20-27.

11 On December 7, 2021, the United States Marshals Service personally served Joel
12 Montano with copies of the Substitution and Forfeiture Order and Notice. Notice of Filing
13 Service of Process-Personal Service, ECF No. 52-1, p. 5, 20-27.

14 On December 7, 2021, the United States Marshals Service personally served
15 Nicholas Wooldridge as Attorney for Javier Montano with copies of the Substitution and
16 Forfeiture Order and Notice. Notice of Filing Service of Process-Personal Service, ECF No.
17 52-1, p. 6, 20-27.

18 On November 23, 2021, the United States Marshals Service personally served Briana
19 Johnson, Clark County Assessor, with copies of the Substitution and Forfeiture Order and
20 Notice. Notice of Filing Service of Process-Personal Service, ECF No. 52-1, p. 7, 20-27.

21 On November 23, 2021, the United States Marshals Service personally served Lynn
22 Goya, Clark County Clerk, Clark County Board of Commissioners, Commission Division,
23 with copies of the Substitution and Forfeiture Order and Notice. Notice of Filing Service of
24 Process-Personal Service, ECF No. 52-1, p. 8, 20-27.

25 On November 23, 2021, the United States Marshals Service personally served Lynn
26 Goya, Clark County Clerk, Clark County Water Reclamation Dist., Commission Division,
27 with copies of the Substitution and Forfeiture Order and Notice. Notice of Filing Service of
28 Process-Personal Service, ECF No. 52-1, p. 9, 20-27.

1 On November 23, 2021, the United States Marshals Service personally served
2 Debbie Conway, Clark County Recorder, with copies of the Substitution and Forfeiture
3 Order and Notice. Notice of Filing Service of Process-Personal Service, ECF No. 52-1, p.10,
4 20-27.

5 On November 23, 2021, the United States Marshals Service personally served Laura
6 B. Fitzpatrick, Clark County Treasurer, with copies of the Substitution and Forfeiture Order
7 and Notice. Notice of Filing Service of Process-Personal Service, ECF No. 52-1, p. 11, 20-
8 27.

9 On December 7, 2021, the United States Marshals Service personally served Steven
10 B. Wolfson, Clark County District Attorney, with copies of the Substitution and Forfeiture
11 Order and Notice. Notice of Filing Service of Process-Personal Service, ECF No. 52-1, p.
12 12, 20-27.

13 On November 23, 2021, the United States Marshals Service personally served
14 Marilyn Kirkpatrick, Commissioner & Chairperson, with copies of the Substitution and
15 Forfeiture Order and Notice. Notice of Filing Service of Process-Personal Service, ECF No.
16 52-1, p. 13, 20-27.

17 On December 7, 2021, the United States Marshals Service personally served
18 Esplanade HOA c/o Registered Agent, Nevada Community Management, LLC, with
19 copies of the Substitution and Forfeiture Order and Notice. Notice of Filing Service of
20 Process-Personal Service, ECF No. 52-1, p. 14, 20-27.

21 On December 7, 2021, the United States Marshals Service personally served ZB,
22 N.A. dba Nevada State Bank c/o Deborah Smith as Secretary, with copies of the
23 Substitution and Forfeiture Order and Notice. Notice of Filing Service of Process-Personal
24 Service, ECF No. 52-1, p. 15, 20-27.

25 On December 7, 2021, the United States Marshals Service personally served ZB,
26 N.A. dba Nevada State Bank c/o Dallas Haun as President, with copies of the Substitution
27 and Forfeiture Order and Notice. Notice of Filing Service of Process-Personal Service, ECF
28 No. 52-1, p. 16, 20-27.

On December 7, 2021, the United States Marshals Service personally served ZB, N.A. dba Nevada State Bank c/o Jeremy Aguero as Director, with copies of the Substitution and Forfeiture Order and Notice. Notice of Filing Service of Process-Personal Service, ECF No. 52-1, p. 17, 20-27.

On December 7, 2021, the United States Marshals Service personally served ZB, N.A. dba Nevada State Bank c/o Terry Shirey as Treasurer, with copies of the Substitution and Forfeiture Order and Notice. Notice of Filing Service of Process-Personal Service, ECF No. 52-1, p. 18, 20-27.

SUBSTITUTION 1967 Silver Pontiac 2T GTO, VIN: 242177Z128178, Nevada License Plate FASGOAT:

On September 15, 2021, the government filed a Motion to Substitute and Forfeit Property as to the 1967 Silver Pontiac 2T GTO, VIN: 242177Z128178, Nevada License Plate FASGOAT, ECF. No 36.

On October 5, 2021, this Court granted the government's Motion to Substitute and Forfeit Property as to the 1967 Silver Pontiac 2T GTO, VIN: 242177Z128178, Nevada License Plate FASGOAT, ECF No. 38.

On October 20, 2021, the United States Marshals Service executed the substitution and forfeiture order and took the property into custody. Notice of Filing Take into Custody, ECF No. 39-1, p. 3.

On January 6, 2022, the United States filed a Motion for Interlocutory Sale, ECF No. 49.

On January 25, 2022, this Court granted the government's Motion for Interlocutory Sale, ECF No. 53.

This Court finds the United States published the notice of forfeiture in accordance with the law via the official government internet forfeiture site, www.forfeiture.gov, consecutively from October 29, 2021, through November 25, 2021. Notice of Filing Proof of Publication, ECF No. 42-1, p. 5.

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1 This Court finds the United States notified known third parties by personal service or
2 by regular mail and certified mail return receipt requested of their right to petition the Court.
3 Notice of Filing Service of Process – Mailing, ECF No. 47; Notice of Filing Service of
4 Process-Personal Service, ECF No. 51.

5 On November 8, 2021, the United States Attorney’s Office attempted to serve GM
6 Financial c/o Accounts Payable in Phoenix, Arizona, with copies of the Substitution and
7 Forfeiture Order and Notice through regular mail and certified mail. The regular and
8 certified mail were returned as attempted-not known. Notice of Filing Service of Process –
9 Mailing Exhibits, ECF No. 47-1, p. 3-17.

10 On November 8, 2021, the United States Attorney’s Office served GM Financial c/o
11 Accounts Payable in Fort Worth, Texas, with copies of the Substitution and Forfeiture
12 Order and Notice through regular mail and certified mail. Notice of Filing Service of
13 Process – Mailing Exhibits, ECF No. 47-1, p. 3-13, 18-19.

14 On November 8, 2021, the United States Attorney’s Office attempted to serve GM
15 Financial c/o Registered Agent, Franklin Markety, with copies of the Substitution and
16 Forfeiture Order and Notice through regular mail and certified mail. The regular and
17 certified mail were returned as not delivered as addressed. Notice of Filing Service of
18 Process – Mailing Exhibits, ECF No. 47-1, p. 3-13, 20-22.

19 On November 8, 2021, the United States Attorney’s Office served Javier Montano,
20 Inmate #56432-048 c/o USP Lompoc, US Penitentiary, with copies of the Substitution and
21 Forfeiture Order and Notice through regular mail and certified mail. Notice of Filing
22 Service of Process – Mailing Exhibits, ECF No. 47-1, p. 3-13, 23-25.

23 On November 8, 2021, the United States Attorney’s Office served Adelina Montano
24 with copies of the Substitution and Forfeiture Order and Notice through regular mail.
25 Notice of Filing Service of Process – Mailing Exhibits, ECF No. 47-1, p. 3-13, 26-29.

26 On November 8, 2021, the United States Attorney’s Office attempted to serve
27 Adelina Montano with copies of the Substitution and Forfeiture Order and Notice through

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1 certified mail. The certified mail was returned as not deliverable as addressed. Notice of
2 Filing Service of Process – Mailing Exhibits, ECF No. 47-1, p. 3-13, 26-29.

3 On November 8, 2021, the United States Attorney’s Office served Natalie Montano
4 with copies of the Substitution and Forfeiture Order and Notice through regular mail.
5 Notice of Filing Service of Process – Mailing Exhibits, ECF No. 47-1, p. 3-13, 30-33.

6 On November 8, 2021, the United States Attorney’s Office attempted to serve
7 Natalie Montano with copies of the Substitution and Forfeiture Order and Notice through
8 certified mail. The certified mail was returned as not deliverable as addressed. Notice of
9 Filing Service of Process – Mailing Exhibits, ECF No. 47-1, p. 3-13, 30-33.

10 On December 7, 2021, the United States Marshals Service personally served Barry
11 Rowe with copies of the Substitution and Forfeiture Order and Notice. Notice of Filing
12 Service of Process-Personal Service, ECF No. 51-1, p. 3, 8-14.

13 On December 7, 2021, the United States Marshals Service personally served Jessica
14 Jamieson with copies of the Substitution and Forfeiture Order and Notice. Notice of Filing
15 Service of Process-Personal Service, ECF No. 51-1, p. 4, 8-14.

16 On December 7, 2021, the United States Marshals Service personally served Joel
17 Montano with copies of the Substitution and Forfeiture Order and Notice. Notice of Filing
18 Service of Process-Personal Service, ECF No. 51-1, p. 5, 8-14.

19 On December 7, 2021, the United States Marshals Service personally served
20 Nicholas Wooldridge as Attorney for Javier Montano with copies of the Substitution and
21 Forfeiture Order and Notice. Notice of Filing Service of Process-Personal Service, ECF No.
22 51-1, p. 6, 8-14.

23 This Court finds no petition was filed herein by or on behalf of any person or entity
24 and the time for filing such petitions and claims has expired.

25 This Court finds no petitions are pending regarding the property named herein and
26 the time has expired for presenting such petitions.

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THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all possessory rights, ownership rights, and all rights, titles, and interests in the property hereinafter described are condemned, forfeited, and vested in the United States:

1. 2013 BMW 550, VIN WBAFR9C59DDX8054I;
2. 1967 Silver Pontiac 2T GTO, VIN: 242177Z128178, Nevada License Plate FASGOAT; and
3. 6633 Lavender Lion St, North Las Vegas, Nevada 89086, more particularly described as:

Lot Thirty-Nine (39) of FINAL MAP OF MARLIDA (a common interest community), as shown by map thereof on file in Book 125 of Plats, Page 84, in the Office of the County Recorder of Clark County, Nevada, TOGETHER WITH ALL IMPROVEMENTS AND APPURTENANCES THEREON, APN: 124-24-310-039 (all of which constitutes property); and

that the United States recover from Javier Montano the in personam criminal forfeiture money judgment of \$1,194,672.68, and that net sale proceeds of the property will be applied toward the payment of the money judgment; and

the forfeiture of the money judgment and the property is imposed pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (b)(4)(B); Fed. R. Crim. P. 32.2(c)(2); 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 21 U.S.C. § 853(p); and 21 U.S.C. § 853(n)(7); that the money judgment shall be collected; and that the property and the collected amount shall be disposed of according to law.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited funds, including but not limited to, currency, currency equivalents, certificates of deposit, as well as any income derived as a result of the government's management of any property forfeited herein, and the proceeds from the sale of any forfeited property shall be disposed of according to law.


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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
2 copies of this Order to all counsel of record and three certified copies to the United States
3 Attorney's Office, Attention Asset Forfeiture Unit.

4 DATED February 17, 2022.

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8 JENNIFER A. DORSEY
9 UNITED STATES DISTRICT JUDGE
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